

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ASHLEY SMITH,  
Plaintiff,

v.

Case No. 2:10-CV-701  
JUDGE EDMUND A. SARGUS, JR.  
Magistrate Judge Terence P. Kemp

COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

**ORDER**

On February 18, 2014, the Magistrate Judge issued a report and recommendation in this case. Doc. 35. He recommended the following: (1) “that the motion for fees (Doc. 25) be granted to the extent that counsel be awarded the sum of \$15,000.00 as fees under 42 U.S.C. §406(b)”; and (2) that the “prior award of fees under the EAJA shall be refunded to the Plaintiff.” *Id.* at 4. The report and recommendation advised the parties that the failure to object within fourteen days would result in a waiver of the right to review. *Id.* The time period for objections has run and no party has objected. Accordingly, the report and recommendation is **ADOPTED**. Plaintiff’s motion for attorney fees is **GRANTED**, doc. 25, and it is **DIRECTED** that the prior award of fees under the EAJA be refunded to the Plaintiff.

**IT IS SO ORDERED.**

3-17-2014  
DATE

  
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EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE